

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NEW YORK LIFE INSURANCE  
COMPANY, a New York mutual insurance  
company,

Plaintiff-in-Interpleader,

v.

ESTATE OF WILLIAM J. BUCHNER;  
KATHLEEN BUCHNER; PAMELA  
BUCHNER HAMPSHIRE; JOSELITO  
CABUNAG and ASTERIA PARAMBITA  
BUCHNER,

Defendants

Case No. C10-5242RJB

ORDER GRANTING PLAINTIFF-IN-  
INTERPLEADER MOTION TO  
DISMISS NEW YORK LIFE  
INSURANCE COMPANY AND FOR  
ATTORNEY'S FEES AND COSTS

This matter comes before the court on the above-referenced motion (Dkt. 12). The court has considered the records and files herein and all documents filed in support of the motion, including responses to the court's Order Requesting Information (Dkt. 26). (*See* Dkts. 27 & 28).

No party has filed opposition to the motion, which the court considers to be an admission that the motion has merit, pursuant to Western District of Washington Local Civil Rule 7(b)(2). It further appears to the court, and the court finds, that the fees and costs requested by the plaintiff-in-interpleader in the sum of \$20,145.87, is fair and reasonable, and is well supported by the documents filed in response to the court's Order Requesting Information.

1 The court notes, however, that there may be a remaining issue between defendant-in-  
2 interpleader Kathleen Buchner and the plaintiff-in-interpleader, New York Life Insurance  
3 Company, regarding funds paid out to defendant-in-interpleader Pamela Buchner Hampshire, in the  
4 sum of \$20,297.38 under Policy Number G-05393. *See* Motion for Leave to Deposit Funds into  
5 Court Registry and for Attorney's Fees and Costs (Dkt. 12); Joint Status Report (Dkt. 21 at 3) &  
6 Answer and Interpleader Action (Dkt. 8, ¶ 8 & at 4). The court notes, however, that no  
7 counterclaim has been filed against New York Life Insurance Company, nor is the court aware of  
8 any other proceedings regarding those funds. In any event, the dismissal of New York Life  
9 Insurance Company, in this order, should be without prejudice to any claims against New York Life  
10 Insurance Company for monies paid out under Policy G-05393.

11 Therefore, it is now

12 ORDERED, ADJUDGED AND DECREED that plaintiff-in-interpleader New York Life  
13 Insurance Company is hereby DISMISSED from this action with prejudice, except that this  
14 dismissal is without prejudice to the limited issue referenced above. It is further

15 ORDERED, ADJUDGED AND DECREED plaintiff-in-interpleader New York Life  
16 Insurance Company is awarded \$20,145.87 in fees and costs. The clerk of the court is immediately  
17 directed to disburse that amount to counsel for New York Life Insurance Company, Lane Powell  
18 PC, from the proceeds deposited in the registry of the court.

19 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of  
20 record and to any party appearing *pro se* at said party's last known address.

21 DATED this 13<sup>th</sup> day of October, 2010.

22  
23   
24 Robert J. Bryan  
United States District Judge